

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION[605]

Adopted and Filed Without Notice

Pursuant to the authority of Iowa Code sections 17A.3 and 29C.8(3)“c,” the Homeland Security and Emergency Management Division hereby amends Chapter 2, “Petitions for Rule Making,” Iowa Administrative Code.

These amendments to Chapter 2 reflect the formal change in the Division’s name and address that has occurred in the Code of Iowa.

In compliance with Iowa Code section 17A.4(3), the Division finds that notice and public participation on these amendments are unnecessary because the amendments merely make changes in those instances where the Division’s name and address need to be updated to reflect the current Code of Iowa.

These amendments are intended to implement Iowa Code chapters 17A and 29C.

These amendments will become effective on August 18, 2010.

The following amendments are adopted.

ITEM 1. Amend rule 605—2.1(17A), introductory paragraph, as follows:

605—2.1(17A) Petition for rule making. Any person or agency may file a petition for rule making with the division at the Homeland Security and Emergency Management Division, Hoover State Office Building, Des Moines, Iowa 50319 7105 NW 70th Avenue, Camp Dodge Building W4, Johnston, Iowa 50131. A petition is deemed filed when it is received by that office. The division must provide the petitioner with a file-stamped copy of the petition if the petitioner provides the division an extra copy for this purpose. The petition must be typewritten or legibly handwritten in ink and must substantially conform to the following form:

ITEM 2. Amend subrule 2.1(2) as follows:

2.1(2) The homeland security and emergency management division may deny a petition because it does not substantially conform to the required form.

ITEM 3. Amend rule 605—2.2(17A) as follows:

605—2.2(17A) Briefs. The petitioner may attach a brief to the petition in support of the action urged in the petition. The homeland security and emergency management division may request a brief from the petitioner or from any other person concerning the substance of the petition.

ITEM 4. Amend rule 605—2.3(17A) as follows:

605—2.3(17A) Inquiries. Inquiries concerning the status of a petition for rule making may be made to the Administrator, Homeland Security and Emergency Management Division, Hoover State Office Building, Des Moines, Iowa 50319 7105 NW 70th Avenue, Camp Dodge Building W4, Johnston, Iowa 50131.

ITEM 5. Amend rule 605—2.4(17A) as follows:

605—2.4(17A) Consideration.

2.4(1) Within 14 days after the filing of a petition, the division must submit a copy of the petition and any accompanying brief to the administrative rules coordinator and to the administrative rules review committee. Upon request by petitioner in the petition, the homeland security and emergency management division must schedule a brief and informal meeting between the petitioner and the division, a member of the division, or a member of the staff of the division; to discuss the petition. The homeland security and emergency management division may request the petitioner to submit additional information or argument concerning the petition. The division may also solicit comments

from any person on the substance of the petition. Also, comments on the substance of the petition may be submitted to the homeland security and emergency management division by any person.

2.4(2) Within 60 days after the filing of the petition, or within any longer period agreed to by the petitioner, the homeland security and emergency management division must, in writing, deny the petition; and notify petitioner of its action and the specific grounds for the denial, or grant the petition and notify petitioner that it has instituted rule-making proceedings on the subject of the petition. Petitioner shall be deemed notified of the denial or grant of the petition on the date when the division mails or delivers the required notification to petitioner.

2.4(3) No change.

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